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## **The social union after the coalition: devolution, divergence and convergence**

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*In 2009, the UK government emphasised that it was “deeply committed” to the maintenance of the state’s social union, embodied in a single social security system. Five years later, the future of this social union appeared less certain than at any time since the 1920s. Dissatisfaction with the ‘welfare reform’ agenda of the coalition government was a driver of support for Scottish independence in the 2014 referendum campaign. Meanwhile, the Northern Ireland Assembly failed to pass legislation to mirror the Welfare Reform Act 2012, normally a formality due to the convention of parity in social security; despite Westminster’s subsequent extension of the 2012 reforms to the region, divergence in secondary legislation remains likely. This article draws on the findings of qualitative interviews with politicians and civil servants in both regions during a period covering the conclusion of the Smith Commission’s work on the future of Scottish devolution and the height of a political impasse over Northern Ireland’s Welfare Reform Bill that threatened a constitutional crisis. It considers the extent to which steps towards divergence in the two devolved regions have altered the UK’s social union and to which the two processes have influenced one another.*

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## **Introduction**

The social security reforms of the Conservative-Liberal Democrat coalition represent a milestone in the evolution of social citizenship in the UK. These further advanced a long term project whereby access to a minimum standard of living is increasingly contingent on labour market participation. Meanwhile, the hostile devolved-level reaction to UK government policy points to the continuation of a process ongoing since the institution of devolution in 1998, whereby the manner in which the social rights of citizenship are realised, and perhaps the nature of those rights, varies between regions. The highest profile manifestation of the latter could be seen in the 2014 referendum on Scottish independence, in which questions of citizens' welfare and disquiet with the welfare reform agenda featured prominently in secessionist rhetoric (Mooney and Scott, 2015). Following voters' rejection of independence, the UK government has begun to act on commitments to devolve additional powers in fields including "welfare" (Clegg, 2014). At the same time, concerns about Westminster policy in Northern Ireland have underpinned the most serious challenge yet to the parity convention, under which that region, despite devolved competence for social security, imitates provision in Great Britain.

This article explores changes to the social union following the Welfare Reform Act 2012, building on regionalisation of social citizenship since 1998. Section 1 outlines the position of social security as a rare field of social policy relatively unaffected by devolution and identifies the 2012 Act as a turning point. Section 2 then examines the extent to which reactions to coalition policy in Scotland and Northern Ireland, and the resulting changes to the devolution settlement, have been mutually influential or driven by region-specific considerations, as well as the continued ability of the UK government to shape policy in the devolved regions. Section 3 asks whether the drive for greater autonomy results as much from 'welfare nationalism' as from objections to the 2012 reforms, before section 4 emphasises the continued uncertainty regarding future shape of the social union and the place of social security therein.

The study on which the article draws explores the attitudes of key members of the policy community in two devolved regions to social citizenship and social security at a critical point in the development of the devolution settlement. 36 politicians and civil servants, drawn from the five main political parties in the two devolved legislatures and from government departments or directorates with an interest in social security, citizens' welfare or finance, took part in semi-structured interviews. Individuals with knowledge of relevant issues and who might be expected to play a role in decision-making on the future locus of competence for social security and subsequent policy were targeted. Nineteen interviewees came from Northern Ireland and 17 from Scotland; 18 were politicians, of whom eight represented pro-union parties, nine nationalist parties and one a party neutral on the constitutional issue; 18 were civil servants. Fieldwork was completed between November 2014 and February 2015, coinciding with talks between the Northern Ireland parties that briefly promised to allow the region's Welfare Reform Bill to complete a legislative journey stalled since February 2013 (NIO, 2014) and publication of the UK government's proposals for the future of Scottish devolution. Data analysis was guided by Glaser and Strauss's (1967) constant comparative method and Charmaz's (2006) constructivist grounded method.

## **1. Social citizenship, the social union and devolution**

Social citizenship may be summarised as the citizen's right to a minimum standard of living, the state's obligation to fulfil "normative expectations about how the basic requirements of... personal welfare and development can be met" (Harris, 2013: 4). Marshall, credited with coining the term, is widely associated with a national view of citizenship, wherein responsibility for the definition and realisation of the individual's civil, political and social rights lies with the nation state (Mooney and Williams, 2006; Keating, 2009). If social rights were to be "exercised by all citizens equally," it followed that they should be national in application and realised with a high degree of uniformity by a national welfare state (McLean et al, 2013: 107). Wincott (2006) argues that in the UK the myth of a perfectly unitary welfare state was never matched by reality. Such a perspective appears particularly dated in an era of multi-level governance, when social entitlements may be defined and realised at "different territorial scales" (Lodge and Trench, 2014: 10) – the state, a supranational body such as the European Union or a subnational territory (Faist, 2001).

The impact of devolution on the rights of citizenship has been particularly evident in the social realm. Devolved functions are so dominated by social policy competences that the regional legislatures may be characterised as "social policy parliament[s]" (Birrell, 2009: 13; 2010). If regional differences in *electorates'* social policy preference appear to be limited (Curtice and Ormston, 2011; Henderson et al, 2013; Mitchell, 2014), where *elites'* policy preferences differ from those of the UK government devolution provides an opportunity to legislate accordingly. Post-1998 divergence is well documented (Birrell, 2010), which some claim has resulted in the emergence of "a particularly Scottish [or Welsh, or Northern Irish] welfare state" (Mooney and Poole, 2004: 477). Whether this results from innovation at regional level or "refusal to pursue some of the UK government's more radical policy initiatives" (McEwen, 2005) varies from case to case.

While devolution has undoubtedly altered the social union, the major exception has been social security. Competence is reserved to the UK government for all of Great Britain, although centralisation is being eroded (SSAC, 2015; Scotland Bill). The position in Northern Ireland is more complex: full devolved competence since 1921 has resulted in almost no deviation from policy in Great Britain. Devolved governments anxious to "preserve the same standard of living... as prevails on the other side" of the Irish Sea (Craig, 1925) have, with minor exceptions, provided identical cash benefits under near-identical conditions (Simpson, 2015). This practice – the parity convention – has been financially supported by the UK government since 1926, by which stage, only five years after devolution, provision of equivalent social protection from regional revenues had become unsustainable in what remains an economically weaker region (Lawrence, 1965). Today, the Treasury subsidises contributory benefits and fully funds non-contributory benefits in Northern Ireland outside the block grant from which other devolved services are funded, at a cost of £3.2 billion in 2012-13 (HMRC, 2013; DSD, 2013). Although constitutional legislation merely requires the Minister responsible for social security in Northern Ireland to "consult" the Secretary of State "with a view to securing that, to the extent agreed between them, the legislation... provides single systems of social security, child support and pensions for the United Kingdom" (Northern Ireland Act 1998 s87(1)), prior to 2012 uniformity remained all but absolute, with parity seen to serve Northern Ireland's financial interests (Birrell and Gray, 2014).

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Events since 2012 have shaken the status quo. The coalition government of 2010 to 2015 continued an ongoing project to cast paid employment as the primary route to economic security and jobseeking as the key manifestation of reciprocity in the welfare state (Larkin, 2011) alongside a new drive to reduce social security expenditure (Stephens, 2015). Key reforms include the deepening and widening of jobseeking conditionality for claimants, stiffening of financial sanctions for non-compliance, reduced generosity of out-of-work benefits, increased in-work support for some claimants and the unification of a range of social assistance benefits within a single universal credit. Meanwhile, the main disability benefit, disability living allowance, is being replaced by a new personal independence payment, less generous to many claimants and for which at least 20% fewer people are projected to be eligible (Harris, 2014). Despite its statement (under a previous administration) that it was “deeply committed” to the maintenance of a single system of social security as an integral part of the social union (Scotland Office, 2009: 4), the UK government has also withdrawn from the provision of discretionary welfare and council tax support, transferring responsibility to local and regional governments (SSAC, 2015).

Parties represented in devolved governments have been among the most vocal critics of the coalition agenda. The Scottish National Party (2013) adopted a position of opposition to the “catastrophic” Westminster policies and the ‘yes’ campaign stated prior to the referendum that it was “very likely that some of these measures would be among the first to be reversed on independence” (Yes Scotland, year unknown). Proposals for social security post-independence included specific short-term departures from UK policy and a long-term vision for a radically different welfare state (Expert Working Group, 2014). Following the prominence of questions of welfare in its broad sense as well as the narrower issue of welfare reform in the referendum campaign, plans were published for devolved control of disability benefits and aspects of universal credit (HMG, 2015; Scotland Bill). While devolution of power does not guarantee divergence will follow, the Scottish government will have the opportunity to adopt distinctive policies in some areas.

Northern Ireland’s devolved competence for social security means politicians there are not limited to expressing their disapproval with UK government policy; the previous practice of swiftly replicating Westminster legislation was not followed for the 2012 Act. Although an equivalent Bill was introduced to the Assembly in October 2012, following a critical committee report (Committee for Social Development, 2013) disagreement among the Executive parties on the extent to which Northern Ireland should diverge from the legislation for Great Britain resulted in a two-year delay in the legislative process and ultimate defeat of the Bill in May 2015 (Hansard, 2015). Following this apparent abandonment of parity, primary legislation would be swiftly and substantially brought back into line with Great Britain through the short-term transfer of social security competences to Westminster (Welfare Reform (Northern Ireland) Order 2015). Nonetheless, previously agreed points of divergence have not all disappeared. The 2015 Order provides for a shorter maximum sanction period than in Great Britain and the Executive will fund a four-year disapplication of the housing benefit size criteria for social tenants (‘bedroom tax’), alter payment arrangements for universal credit and introduce other mitigating measures (NIO, 2015). The Welfare Reform Mitigations Working Group (2016) has recommended supplementary payments, mainly limited to one year’s duration, to claimants who lose money due to changes to disability benefits, employment and support allowance or (if they have dependent children) the household benefit cap. Since these measures are largely short term, the extent to which the Assembly’s recent reluctance to import

wholesale reforms made at Westminster sets a new precedent for social security policymaking remains to be seen.

## **2. Policy learning or innovation? Drivers of divergence and convergence**

Decentralisation of political power provides the opportunity for policy divergence in fields of devolved competence. However, if policy experiments conducted in regional “laboratories of democracy” (Keating and Cairney, 2012: 239) are deemed successful, they may be imitated or adopted in revised form in other regions (Birrell, 2010). A relevant example is the implementation of regional social assistance schemes across Spain’s autonomous communities following experiments in Navarre and the Basque Country in the 1980s (Arriba and Moreno, 2005). That such a process of policy learning is taking place in respect of social security in Scotland and Northern Ireland may be suggested by the similarities between the departures from UK government policy Scotland is to be empowered to make and those proposed by the Northern Ireland Executive, especially in respect of universal credit. In asymmetric devolution settlements, desire to copy a given policy, or simply to ‘keep up’ with one’s neighbours, may also drive demand for additional delegated powers (Hombrado Martos, 2008). This clearly applies to Scotland, where significant divergence from UK government social security policy requires new devolved competences.

Sufficient similarity exists in the new social security competences to be devolved to Scotland and the divergences from UK government policy proposed in Northern Ireland at the point of the fieldwork to raise the question of whether the two regions were consciously learning from one another. Ministerial commitments in Northern Ireland’s foresaw fortnightly (instead of monthly) universal credit payments, splitting of payments between joint-claimant couples, direct payment of the housing element of the benefit to landlords and disapplication of the social sector size criteria in some circumstances (Storey, 2014). Scotland’s new powers will allow it to make similar changes, and any other changes it wishes to the housing element, but *not* to alter the sanctions regime, which will be slightly softened in Northern Ireland. Outside universal credit, devolved competence for the main disability benefits will allow Scotland, if it wishes, to imitate (or go further than) the minor changes to personal independence payment proposed in Northern Ireland. However, creating an equivalent to the supplementary payment fund for many continuing claimants who lose money as a result of various reforms, which was at the heart of the dispute that brought down the Welfare Reform Bill in May 2015 but survives in some form in the recommendations of the Mitigations Working Group (2016),<sup>1</sup> will *not* be possible. Scotland’s power to create new benefits will be limited to replacement of the devolved disability benefits, one-off discretionary payments and council tax support (see Devolution (Further Powers) Committee, 2015).

Northern Irish interviewees were particularly likely to conclude that opposition to the ‘welfare reform’ agenda there and in Scotland had been intertwined rather than parallel. Despite the constraints imposed by traditional adherence to parity and economic dependence, Northern Ireland was widely claimed to be building a better approach to social security than the UK government.

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<sup>1</sup> A dispute as to whether the fund should also top up the incomes of new claimants was the main reason for the Bill’s legislative failure (Sinn Féin, 2015)



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Hence some considered Scottish policymakers “would give their eye teeth for the kind of flexibilities we’ve got” (civil servant, NI) and see Northern Ireland as a role model as they contemplate use of their new powers. The Smith Commission’s proposals for further devolved powers, therefore, had been directly influenced by recognition that “there were aspects of the Northern Ireland package of measures which would give Scotland a great deal of flexibility” (civil servant, NI). In Scotland, although there *was* widespread evidence of appetite to learn from Northern Ireland’s experience of social security devolution, the lesson learned more often seemed to be of how *not* to do things than the contrary. Even a politician who considered the then-proposed “tweaks” to Northern Ireland’s Welfare Reform Bill “very sensible” believed that “we need something rather more than that.” Other MSPs were more forthright in their view that “things aren’t working too well in Northern Ireland,” which had found itself in a “trap of it appearing that you have power over these things, but if you don’t do what you’re told it ends up costing you a lot of money.”

If views as to the influence of Northern Ireland on Scotland were mixed, some Northern Irish interviewees believed learning has occurred in the opposite direction. In general terms, the referendum was depicted as “a great eye-opener... for us and Wales” (politician, NI) with potential to kick-start a wider conversation about the distribution of powers between tiers of government. A politician frustrated at the perceived reluctance of others to diverge from the 2012 Act spoke approvingly of Scotland’s early attempts to “alleviate the burden on people” despite its limited powers. Divergence in Scotland, then, might set an example for Northern Ireland. For many interviewees, Northern Irish policy would not be freely chosen by the Assembly, but “signed off” (civil servant, NI) by the UK government. From this perspective, the Smith proposals were seen to have potential to shape outcomes and perhaps a “different form of parity” (civil servant, NI) – if power to make a particular tweak to universal credit is offered to Scotland, the likelihood must increase that a similar change “might be part of the package” (civil servant, NI) in Northern Ireland. Certainly, non-implementation of the ‘bedroom tax’ might be interpreted as an example of policy learning from Scotland, where discretionary housing payments have been used to negate its financial impact on claimants.

Although parallels can be seen between proposals for divergence in Northern Ireland and new powers in Scotland, the two are not mirror images. Further, although dissatisfaction with a common UK approach to social security has been voiced in a similar timeframe in both regions, it emerges from different environments. Both are devolved regions of the UK and have governments composed at least in part of nationalist/secessionist parties. However, the structure of government differs. While the Scottish government has only ever been composed of one or two parties, Northern Ireland’s five-party coalition is a potential obstacle to the development of a distinctive regional approach to any area of policy as its ideologically divergent members seek a “lowest common denominator” (Gray and Birrell, 2012). Whereas Scottish politics are frequently characterised as ideologically to the left of the UK as a whole, those of Northern Ireland are seen to be dominated by questions of ethno-religious identity rather than public policy (Greer, 2005; McEwen, 2005), within a broadly socially conservative ideological landscape (Racciopi and O’Sullivan-See, 2001; Deiana, 2013). Fiscal positions, too, differ dramatically. Scotland’s per capita tax take was the highest in the UK in 2012-13 after North Sea revenues are taken into account and only 2.7% below average excluding this income, with expenditure the following year 15% higher than average. Per capita

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revenues in Northern Ireland were 23% below the UK average and expenditure 23% higher (Adam and Miller, 2013; Keep, 2015).

This picture of two neighbours with much in common but important differences was reflected in the findings. Although Scottish interviewees did not wish to “overstate” (politician, Scotland) the extent to which their region could be described as “more socialist” (politician, Scotland; civil servant, Scotland) than England, the most common comparator, it was common ground among most that a distinctive ideology of social citizenship could be identified. While this did not diverge fundamentally from the UK government’s view that paid employment should act as the “best route out of poverty” (Child Poverty Unit, 2009: 12), it was widely believed that a Scottish approach would afford higher priority to “fair work” paid at a “living wage” (numerous Scottish interviewees) while taking a more understanding, less punitive view of claimants. In Northern Ireland, it was suggested that the dominance of the parity convention in social security and of the national question in party politics has meant the polity has “never given much thought... as to what they believe social welfare should fulfil” (civil servant, NI). Although the 2012 Act had forced engagement with the issue, the fragmented nature of politics was seen as a major barrier to the development of “a political vision for the future for Northern Ireland” (civil servant, NI) in any field. Nonetheless, a regional ideology of welfare could be detected, again dominated by the workerist view but with a greater tendency to endorse the use of “some kind of stick” or “cutting back on benefits” (civil servants, NI) to motivate claimants who “don’t want to work” (politician, NI).

Interviewees pointed to specific social and economic circumstances in Scotland and Northern Ireland that both provided evidence for the unsuitability of coalition policy and differentiated the two regions from each other. The social sector size criteria in housing benefit and the new personal independence payment were key points of contention with the UK government agenda. While the ‘bedroom tax’ was portrayed as ill-suited to both regions due to lack of smaller units, reflecting Gibb (2013), several Scottish interviewees referred to a distinctive philosophy of social housing as “permanent homes” with, in contrast to England, “no real stigma... about renting your house” (politician, Scotland). Those in Northern Ireland highlighted the region’s ethno-religious residential segregation, arguing that no one should be expected to move to smaller accommodation if that meant moving to an area where they might face intimidation (see Gray et al, 2009). Similarly, while interviewees noted high levels of disability in both regions (NISRA, 2012; National Records of Scotland, 2013) – a key reason for the high projected economic impact of welfare reform in Northern Ireland (Beatty and Fothergill, 2013) – those in the latter saw this as a legacy of political conflict from the 1960s, those in Scotland as an issue for any ex-industrial area.

Policy learning can be top-down as well as horizontal. Northern Ireland’s social security legislation has historically been closely modelled on that for Great Britain. The resolution of the region’s welfare reform impasse through the temporary transfer of powers to Westminster will allow the extension not only of most of the Welfare Reform Act 2012 but of the social security provisions of the Welfare Reform and Work Bill to the region. This step was taken in the face of what some Ministers claimed were overwhelming financial pressures (Hamilton, 2015), demonstrating the potential for top-down “coercive transfer” of policy (Keating et al, 2012: 292) despite formal devolution of competence. Literature on devolution in Spain suggests the funding of a specific devolved service through ring-fenced grants from central government, as with social security in



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Northern Ireland, greatly constrains policy autonomy in practice (Subirats and Gallego, 2002). That Scotland in 2012 and Northern Ireland in 2016 found space for some regional 'mitigations' in the regional operation of policy largely shaped by the UK government shows that in practice it can be difficult to definitively characterise a field of policy as a straightforward example of either divergence or convergence.

In 1926, extraordinary transfers from the UK Exchequer were necessary to enable Northern Ireland to continue to model social security provision on that for Great Britain. Today, when interview data and parliamentary debates demonstrate that the merits of the Great Britain model are less readily accepted, the region's weak fiscal position is presented as the primary obstacle to divergence. Media coverage of the "welfare reform crisis" frequently focused on the erroneously named "fines" (Boland, 2015) that would be incurred as a result of non-replication of the 2012 reforms as the extra costs associated with an unreformed policy were recovered by the Treasury from the block grant. Most interviewees in Northern Ireland agreed that it is no more able to fund its own social security provision outside the parity arrangement than in 1926. So while a civil servant believed that but for the "financial issue" there would be no "appetite for the Westminster solutions" among *any* of the Northern Irish parties, the "financial issue" remains at the heart of social security policymaking. This perspective was shared by some interviewees in Scotland, where a civil servant observed that the Treasury has Northern Irish policymakers in a "straitjacket" (civil servant, Scotland). So while interviewees in Northern Ireland were no less critical of the UK government's changes to disability benefits, they did not echo the calls made by many of their Scottish counterparts for the retention for the time being of disability living allowance at devolved level and subsequent development of a region-specific benefit.

In Scotland, a clear top-down driver of convergence will continue to exist given that much of social security policy will remain under Westminster control throughout Great Britain; fields to be devolved account for just 25% of non-pension spending (HMG, 2015). Where competence is devolved, the claim of some civil servants that a distinctive "Scottish model" of policy development exists, based on close engagement with Scottish stakeholders, might imply a degree of insulation from external influence. Nonetheless, the question of whether fiscal considerations might constrain capacity to diverge remains relevant. Some Northern Irish interviewees believed that had the referendum produced a different result, "Scotland might've been able to survive on its own" (civil servant, NI) economically in a way that Northern Ireland could not. Others felt that following the Scotland Bill, "I would be very, very surprised if they done anything in terms of deviation from UK welfare policy" (civil servant, NI) due to the costs involved. A similar range of views emerged in Scotland. More optimistic interviewees pointed to the steps taken to mitigate the impact of the 'bedroom tax' as evidence that it is better placed to absorb the impact of divergence, albeit that the £55 million spent in 2014-15 is less than half the annual amount allocated to mitigations by Stormont from 2016 (Berry, 2014; NIO, 2015). In many cases, aspirations to social security divergence were inseparable from a desire for greater autonomy in fiscal and economic policy. A civil servant suggested the Scottish government believed a fiscally autonomous Scotland, "no longer... shackled by Westminster policies," would experience an economic boom capable of supporting a radically different approach to social security. Others argued that even if the 'yes' campaign had hinted that an independent Scotland might offer more generous social security, "at no point did they suggest that it was possible to have a higher budget" (politician, Scotland). In the context of full fiscal

autonomy, some felt, recent falls in oil prices would have rendered even maintenance of current benefit levels challenging.

### **3. Welfare reform and welfare nationalism**

If provision for citizens' economic welfare is the hallmark of the nation state (McLean et al, 2013), it follows that those who claim the status of 'nation' for their sub-state region should aspire to devolved control of the necessary policy fields. Social policy divergence since 1998 has at times been associated with a 'welfare nationalist' project to emphasise solidarity at regional, rather than national, level (Mooney and Poole, 2004). The prominence of secessionist parties in the drive for new devolved competences for social security and divergence from the UK government approach raises the possibility that this process may be a manifestation of welfare nationalism whose purpose is as much to weaken the social and political unions as to devise a better policy at regional level.

Welfare unionism and nationalism have a complicated history in Northern Ireland, the UK's "most intractable territorial problem" (Carmichael, 1996: 413). While social security parity has been explicitly linked with unionism (Lundy, 1996), unionist parties have also driven social policy divergence (Gosling, 2008; Thomson, 2013). In 2015 interviewees there made little attempt to portray positions on the maintenance of parity as shaped by national aspirations. Politicians tended to present themselves as committed devolutionists and seemed willing to accept the same of their opponents. Civil servants, although convinced of parity's financial importance, also argued (although not unanimously) that the ability to "tweak" UK government policy is advantageous. Nonetheless, unionists and nationalists' perspective as to how far parity might be pushed tended to differ. Even if not "ideologically wedded" to the convention, unionists tended to consider it "naïve" to suggest the region could be "exempted" from processes taking place in all other UK regions, or to believe that social security, even if to some extent "tailored for Northern Ireland," should "by and large" mirror Great Britain. This position is perhaps reflected in the approach of the Democratic Unionist Party, the largest in the Assembly, of opposing successive social security Bills at Westminster while senior members appear hesitant about endorsing divergence at Stormont. Nationalists tended to advocate more significant divergence, with one politician arguing it was disingenuous to stress the opportunities for 'flexibility' devolved competence allows while having a "cowering attitude" towards confrontation with central government. Nationalists were similarly accused of disingenuity, with some interviewees claiming Sinn Féin's position was shaped less by the best interests of Northern Ireland than by the need for consistency with an oppositional, anti-austerity platform in the Republic of Ireland.

The view that positions on social security devolution and divergence are "bound up with the politics and aspirations of independence" (civil servant, Scotland) was more openly expressed in Scotland – usually as a means of criticising political opponents. Hence for one politician, "most people in the SNP, although they I'm sure they do sympathise with better welfare benefits... they're always just an argument... to further independence." Another highlighted the Scottish government's initial prevarication around mitigation of the 'bedroom tax' because (it was claimed) Ministers thought they could gain more politically by "weaponising" the issue in the independence debate than by "protect[ing] the Scottish people." That key aspects of social security were considered by unionists to be "intrinsic to the make-up of the social union" (politician, Scotland) and therefore unsuitable for

devolution was common ground. This position came in for criticism on the basis that “there's a whole host of areas where... social provision is not the same in different parts of the UK,” and therefore no objective reason why uniformity in social security must be maintained. Unionism could therefore be an obstacle to a “fairer” approach. One politician, who warned *any* break-up of the UK's “intertwined” taxation and welfare structures must result in the emergence of “contradictions and tensions” whose outcome for the union could not be predicted, appeared wary of lending ammunition to this argument. Despite these misgivings, this interviewee expressed willingness to “actually use the powers that are coming... that could actually erode the constitutional settlement” if this meant better outcomes for people in Scotland.

#### **4. The way ahead: an enduring settlement?**

The command paper on the future of Scottish devolution after the referendum purports to provide a blueprint for *An enduring settlement* for the region within the union. Developments since the fieldwork suggest this is unlikely to be the case. The 2015 Labour manifesto advocated additional devolved powers, while even Conservative voices (BBC News, 2015) lend weight to the view of a Scottish politician that “we're in flux at the moment and we still have to find a stable solution.” In Northern Ireland, despite the temporary transfer of power to Westminster, the 2015 Order is not an exact replica of the 2012 Act and further mitigations will follow (NIO, 2015); how firmly parity has been reinstated remains to be seen.

That “the campaign that happened before the [referendum] continues after it” (politician, Scotland) was reflected in the findings. Interviewees variously criticised Scotland's proposed new powers as insufficient, noted the devolved government's (2015) dissatisfaction with the command paper or simply mocked its title. In the medium term, most Scottish interviewees aspired to the devolution of additional social security powers. Full control of out-of-work benefits was top of the wish-list, being thought necessary to improve “outcomes for people who are in receipt of these benefits” (civil servant, Scotland) *and*, in tandem with more fiscal powers, to pursue the Scottish government's objectives of a strong economy and social justice. Dissenters highlighted the merits of “pool[ing] your resources” (politician, Scotland) against social risk across the UK's larger economic base, necessitating pooled decision making. Nor was more radical change necessarily thought to be off the agenda. A Northern Irish politician thought if “devo max... doesn't work I think Scots may well call a referendum sooner rather than later and the yes vote will win.” Some Scottish politicians similarly saw future prospects for independence as more dependent on the ability of the “UK establishment” to adapt to the rise of the politics of regionalism than on events in Scotland itself.

The question of whether and how Northern Ireland will move on from the parity convention is complicated by lack of consensus among interviewees as to how the convention has actually functioned. A number noted that the key question of whether the subvention since 1926 *facilitates* or *requires* equivalence of provision with Great Britain has never been answered. If the extent to which Northern Ireland *must* ape every aspect of UK government social security policy can be questioned, the core principle “that an individual here in Northern Ireland should receive the same level of benefit, subject to the same conditions, as an individual elsewhere in the UK” (McCausland, 2013: 2) had not been seriously tested in the political arena until the current period. Even if parity has moved from near-absolute uniformity to a situation in which “you can do whatever tweaks you

so desire provided that (a) you can pay for them and (b) you can operationally deliver them" (civil servant, NI), the curbs placed on autonomy by financial considerations should not be underestimated. Further social security cuts (HM Treasury, 2015) will further reduce the expenditure the Treasury will directly fund in Northern Ireland and would therefore have increased the cost to the regional budget of an unreformed system. The Welfare Reform and Work Bill, tabled after the fieldwork, may therefore have pushed the regional parties towards agreement on a reform package that will largely bring Northern Ireland back into line with Great Britain. A Scottish civil servant's prediction that "it's not impossible to envisage a situation where [social security] becomes a sort of running political issue in the north" may not be truly tested until the Assembly is called upon to decide whether to imitate Westminster's *next* set of reforms. As the Treasury will no more subsidise costlier provision in Scotland than in Northern Ireland, debates as to which innovations are affordable and disputes with the UK government as to how costs or savings associated with an alternative policy should be calculated may equally become a feature of the Scottish landscape.

Whether or not developments in Scotland and Northern Ireland have been intertwined up to this point, many interviewees expressed a desire for closer relationships in the future, including greater sharing of "knowledge and experience of what different approaches are being tried" (politician, Scotland). Some felt the dilution of the parity convention in Northern Ireland and partial devolution of competence to Scotland mean social security "is no longer reserved or devolved, it's a shared set of responsibilities across the governments" (civil servant, Scotland). A Northern Irish politician suggested that given the dominance in practice of the centre, the devolved regions should aim to play a "meaningful role" from the earliest stages of UK government policy development. With Spicker's (2015) warning of the potential for conflict between tiers of government as the Smith Commission's recommendations on social security devolution are implemented reflected in some interviewees' description of relations, it is unsurprising that a Scottish civil servant thought a new era of intergovernmental working would require "a big cultural change... in Whitehall in particular." Whether anything resembling a partnership of equals in this way is feasible when the UK government holds the purse strings, likely to remain the case in Northern Ireland at least, can be questioned.

## Conclusion

Although the UK was never marked by an absolute uniformity of social policy across its component regions, devolution in 1998 has unquestionably changed the character of the social union. The major exception (along with shared taxation systems), has been social security, but here, too, change has been in the air since 2012. The UK government's pursuit of controversial reforms at a time when the forthcoming Scottish referendum meant the advantages of the union to the country's component regions were already under scrutiny has been a catalyst both the pursuit of new competences in Scotland and an unprecedented challenge to the parity convention in Northern Ireland. Significant regional differences in social protection, therefore, have seemed a realistic prospect as never before.

Devolved governments do not exist in a vacuum; the contemporaneous emergence of challenges to a common UK social security policy in Scotland and Northern Ireland and the similarities between the divergences proposed in Northern Ireland and the new powers to be devolved to Scotland suggest a degree of policy learning. Interviewees in Northern Ireland were certainly receptive to this

point of view, with many arguing that proposed deviations from UK government policy in that region had influenced the Smith Commission's proposed division of social security competences for Scotland, a slightly smaller number suggesting learning had mainly occurred in the opposite direction. Scottish interviewees were undoubtedly eager to learn *from* Northern Ireland's longer experience of social security devolution, but rather than wishing to imitate their neighbours across the North Channel tended to see it as a warning that formal devolved competences do not always deliver significant policy autonomy in practice – a situation they were eager to avoid. The difficulty in achieving political agreement on divergence in Northern Ireland, and its ultimately limited extent, emphasise the continued potential for top-down policy transfer in devolved fields, even when misgivings exist about the UK government agenda. Although Scottish interviewees were for the most part confident that their region would be better placed to resist similar pressures, such claims cannot really be tested before implementation of the Scotland Bill. Whether the messy end to Northern Ireland's welfare reform saga is indicative of a reassertion of the parity convention, largely on the basis of financial necessity, or a temporary truce until the next major reform from Westminster likewise can only be guessed at present.

Despite the role played by secessionist parties in voicing discontent with UK government policy, interviewees' depictions of the role of "welfare nationalism" differed significantly. In Scotland, a sharp divide emerged among political interviewees, who either accused nationalists of fanning the flames of discontent with the 'welfare reform' agenda mainly to generate support for independence, or claimed unionists' obsession with maintaining the social and political unions meant adherence to a set of policies contrary to the interests of citizens. Such debates are likely to be reprised in future calls for further devolved social security competences to be added to those proposed in an 'enduring' settlement that few thought likely to endure long. That policy preferences *could* be shaped by positions on the national question was also acknowledged in Northern Ireland, but here interviewees were less eager to accuse opponents of allowing their approach to be determined thus, even if there was a clear unionist-nationalist divide as to how extensively the region might diverge from Great Britain. Here, more clearly than in Scotland, aspirations to genuine autonomy in social security are likely to continue to be tempered by fiscal dependence on the Treasury. The social union remains in a state of flux and the ultimate outworkings of the forces unleashed in 2012 will only gradually become clear.

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